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PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL SERVICES

Agency Interest No.: 2638

TEMPO Activity No.: PER20130016

May 10, 2013

Mr. J. Charles Dabadie, SHE Manager
ExxonMobil Refining and Supply Company
Post Office Box 551
Baton Rouge, Louisiana 70821

Re: Approval of Request for Response Letter- Acceptance of Recovered Oil
ExxonMobil Baton Rouge Refinery
Scenic Highway, Baton Rouge
East Baton Rouge Parish, Louisiana
LAD 062 662 887/AI 2638/PER20130016

Dear Mr. Dabadie:

The Louisiana Department of Environmental Quality, Waste Permits Division, (LDEQ) is in receipt of a request for a response letter of concurrence, dated May 9, 2013, for the Baton Rouge Refinery (Refinery) to accept, for insertion into the refining process, approximately 27,000 barrels of oil/water mixture collected from the ExxonMobil Pipeline Company, Mayflower, Arkansas, crude oil pipeline incident.

Based upon the information provided, LDEQ has no objection to the requested activity. According to LAC 33:V.105.D.1.1.ii, the material is excluded from the definition of solid waste, and is considered recovered oil, as defined by LAC 33:V.105.D.1.1.ii. (oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto.). The material may be shipped to and accepted by the Refinery on a standard bill of lading.

Additionally, for Exxon's Clean Water Act permit (LA0005584; AI 2638) for the Refinery, the LDEQ concurs that the acceptance of this material from off-site ExxonMobil facilities as described in Table 4 of the 2011 LPDES permit application is allowed.

Please reference your Agency Interest Number (2638), EPA ID Number (LAD 062 662 887), LPDES Permit # (LA0005584), and Activity Number (PER20130016) on all future correspondence pertaining to this matter. If you have any questions, please contact Ms. Nora Lane of the Waste Permits Division at (225) 219-3422.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Guilliams".

Scott Guilliams
Administrator
Waste Permits Division

nl

c: Bobby Mayweather, OEC, Capital Regional Office

Post Office Box 4313 • Baton Rouge, Louisiana 70821-4313 • Phone 225-219-3181 • Fax 225-219-3309

www.deq.louisiana.gov

Laws, Kathy

From: Dougherty, Joel
Sent: Tuesday, May 14, 2013 5:11 PM
To: Laws, Kathy
Cc: Tidmore, Guy
Subject: FW: (E13611) Exxon Pipeline Mayflower Oil Spill - Waste disposal issues

Hi Kathy,

Here is an email that I received Friday that appears to be responsive to FOIA EPA-R6-2013-006256.

Not sure what format you want this in. Please advise .

Thanks.

joel

From: Smith, Melissa
Sent: Friday, May 10, 2013 7:58 PM
To: Dougherty, Joel
Subject: FW: (E13611) Exxon Pipeline Mayflower Oil Spill - Waste disposal issues

FYI – this is what we were talking about earlier today.

Melissa

Melissa Smith, Chief
RCRA Corrective Action & Waste Minimization Section (6PD-C)
U.S. Environmental Protection Agency, Region 6
1445 Ross Ave
Dallas, TX 75202
214-665-7357
smith.melissa@epa.gov

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From: Ruhl, Christopher
Sent: Friday, May 10, 2013 3:51 PM
To: Gray, David; Edlund, Carl; Phillips, Pam
Cc: Broyles, Ragan; Petersen, Chris; Brescia, Nicolas; Spalding, Susan; Smith, Melissa; Rhotenberry, William; Potts, Mark
Subject: (E13611) Exxon Pipeline Mayflower Oil Spill - Waste disposal issues

Just a heads up on an issue that we have been working this afternoon related to waste that was generating as a result of the Mayflower spill. You may recall that last week, ADEQ sent a letter to Exxon advising them that they needed to start disposing of waste that had been staged in an Exxon owned facility located in Conway, AR. For purposes of background, liquid wastes are stored in frac tanks at the facility to not only provide storage but also allow the oil and water to separate. It is my understanding that within those tanks, the oil phase has been skimmed from the top leaving the water phase remaining in the tanks. The current waste management plan for the response requires Exxon to test the water phase to determine if it is a hazardous waste per RCRA to ensure that the waste is properly disposed of. Sample results have shown that some of the tanks contain waste subject to RCRA based on the benzene content. The plan indicates that any waste deemed a hazardous waste would have to be disposed as such. On a separate tract, Exxon had

approached LDEQ to see if they could send the material to their refinery in Baton Rouge. LDEQ has since sent a letter to Baton Rouge advising them that they believe that waste is exempt from RCRA and can be sent to the refinery. As a result of this conflict in interpretation, ADEQ has requested EPA assistance. This appears to be a hot topic as senior leadership within both LDEQ and ADEQ seem to be weighing in on the issue. We are currently gathering information to better assess how the waste should be characterized. In the meantime, we have advised ADEQ that we are supportive of the current unified command waste disposal plan until we have time to get all the relevant details and make our own interpretation. This will be a multi divisional discussion (6PD, 6EN and 6SF) that will continue on Monday.

Chris Ruhl
USEPA Region 6
Oil Team Leader
Federal On-Scene Coordinator
(214) 665-7356 office